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9
10 UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

11 ELMER JOEL MENDEZ CARRILLO,
12
Petitioner,

13 v.

14 MINGA WOFFORD, in official capacity,
15 Facility Administrator of Mesa Verde ICE
Processing Center; SERGIO ALBARRAN, in
16 official capacity, Acting Field Office Director
of ICE's San Francisco Field Office; TODD M.
17 LYONS, in official capacity, Acting Director of
ICE, KRISTI NOEM, in official capacity,
18 Secretary of the U.S. Department of Homeland
Security; PAM BONDI, in official capacity,
19 Attorney General of the United States,

20 Respondents.

Case No. _____

**EX-PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Immigration Habeas Case

1 Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Rule 231 of the Local
2 rules of this Court, Petitioner hereby moves the Court for emergency relief in the form of a
3 temporary restraining order and preliminary injunction directing Respondents to release
4 Petitioner from their custody unless and until he is afforded a hearing as required by the Due
5 Process clause of the Fifth Amendment, to determine whether the government can justify the
6 necessity of his re-incarceration by clear and convincing evidence, or in the alternative, to
7 provide Petitioner with an individualized bond hearing before an immigration judge within 10
8 days of issuance of an Order.

8 Petitioner also seeks a temporary restraining order enjoining Respondents from relocating
9 Petitioner outside of the Eastern District of California pending final resolution of this case.

10 This application is supported by the Memorandum of Points and Authorities, the Habeas
11 Petition, the Declaration of Kathleen O'Leary with accompanying exhibits, as well as any
12 additional submissions that may be considered by the Court. As set forth in the Points and
13 Authorities in support of this Motion, Petitioner raises that he warrants a temporary restraining
14 order due to his weighty liberty interest under the Due Process Clause of the Fifth Amendment in
15 remedying his unlawful re-incarceration, which was imposed absent a pre-deprivation due
16 process hearing, and, in light of his unlawful continued detention without a bond hearing, in
17 violation of his statutory rights under the Immigration and Nationality Act. .

18 WHEREFORE, Petitioner prays that this Court grant his request for a temporary
19 restraining order enjoining ICE to release him from custody unless and until he is afforded a
20 hearing before a neutral decisionmaker on the question of whether his re-incarceration would be
21 lawful. The only mechanism to ensure that he is not continuously unlawfully detained in
22 violation of his due process rights is a temporary restraining order from this Court.

23 Respectfully submitted this 21st day of November, 2025.

24 /s/ Kelsey Morales
Kelsey Morales
Attorney for Petitioner